

REMARKS

Claims 1-18 are pending in this application. In the Office Action mailed February 10, 2004, the examiner indicated that Claim 17 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. The indication of allowable subject matter is appreciated. Claim 17 has been rewritten as an independent claim and is in condition for allowance. Claims 1, 4, 5, 10, 11, 14, 15, and 18 were rejected under 35 U.S.C. § 102 as anticipated by the patent to Klein; Claims 1, 2, 3, 8, 11, 12, and 13 were rejected under 35 U.S.C. § 102 as anticipated by the patent to Guzman. Claims 6, 7, and 16 were rejected under 35 U.S.C. § 103 as obvious over Klein and Claim 9 was rejected as obvious over Klein and Guzman. Further examination and reconsideration of the application, as amended, is requested.

The patent to Klein relates to an inflatable structure that provides low relief figures upon inflation (see column 1, lines 26-30). The inflatable structure has a thickness sufficient to permit cuts or incisions in the outer surface such that the cuts open during inflation to produce three-dimensional figures (column 1, lines 40-45). For example, in FIG. 1 and FIG. 2, Klein shows an inflatable bag or structure with a smooth surface 13 having slits or incisions 14 that, upon inflation, produce an ornamental figure as shown in FIG. 3 and FIG. 4. The inflatable structure is mounted to a rigid panel 20. See column 2, lines 44-50.

The claims of the present application relate to an inflatable toy that includes an inflatable volume and an expandable non-inflatable figurine that is attached to the

U.S. Serial No. 10/646,255
A. Trubitt
Amendment and Request for Reconsideration

inflatable volume such that the attached figurine is stretched as the volume is inflated.

For example, Claim 1 recites:

1. (original) An inflatable toy comprising:
an inflatable volume; and
an expandable figurine that is attached to the inflatable volume
such that the figurine is stretched as the volume is inflated.

Klein does not show an expandable figurine attached to an inflatable volume. Rather, Klein shows an inflatable volume with integral cuts that define a figurine. The inflatable volume/figurine is attached to a rigid panel. Thus, Claim 1 is not anticipated. Claims 4, 5, and 10 depend from Claim 1 and also are not anticipated. Claim 11 is an independent claim that recites:

11. (original) An inflatable toy method comprising:
providing an inflatable toy comprising an expandable figurine
attached to an outer surface of an inflatable volume;
inflating the inflatable volume and stretching the figurine as the
inflatable volume is inflated.

Claim 11 is not anticipated, because Klein does not show providing an expandable figurine attached to an outer surface of an inflatable volume. Klein provides an inflatable structure attached to a rigid panel (column 2, lines 44-50). Claims 14, 15, and 18 depend from Claim 11 and also are not anticipated by Klein.

The patent to Guzman shows an inflated play horse 46 with tubular legs 28, 30 on an inflated base 10. See column 1, line 43 through column 2, line 3. A child sitting on the horse 46 can produce a rocking and bucking motion of the horse relative to the base (see column 2, lines 54-63).

U.S. Serial No. 10/646,255
A. Trubitt
Amendment and Request for Reconsideration

Guzman does not show the Claim 1 feature of an inflatable volume and an expandable figurine that is attached to the inflatable volume such that the attached figurine is stretched as the volume is inflated. Rather, Guzman shows a "play horse" that has an inflated base, tubular legs, and an inflated horse body such that the base, legs, and body are in communication with each other and are inflated via a valve 90 (see column 2, lines 50-53 and claim 1 and claim 2). The horse is not "attached to" an "inflatable volume" (the base) such that "the attached figurine is stretched as the volume is inflated", as recited by Claim 1. Therefore, Guzman does not anticipate Claim 1, nor does Guzman anticipate Claims 2, 3, 8 dependent from Claim 1. Claim 11 is a method claim with corresponding method steps that likewise are not anticipated by Guzman, which does not provide the claimed method. Claims 12 and 13 dependent from Claim 11 also are not anticipated by Guzman.

Claims 6, 7, and 16 are not obvious over Klein and Claim 9 is not obvious over Klein in view of Guzman because no combination of Klein and Guzman, taken alone or taken together, can provide the elements recited in the claims as amended: an inflatable toy that includes an inflatable volume and an expandable figurine that is attached to the inflatable volume and is stretched as the volume is inflated.

Claims 1-18 recite features not shown or suggested by the cited references and are in condition for allowance.

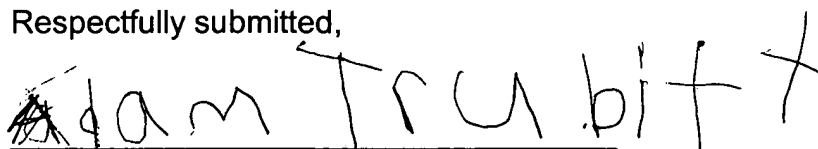
U.S. Serial No. 10/646,255

A. Trubitt

Amendment and Request for Reconsideration

It is respectfully requested that the Examiner reconsider the claims and grant an allowance of Claims 1 through 18, all claims pending in the present application.

Respectfully submitted,


Adam Trubitt